

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

DONDREA R. FISHER

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

CITY OF KANSAS CITY, MISSOURI /

KC WATER DEPARTMENT

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**Complaint for Employment
Discrimination**

Case No. _____
(to be filled in by the Clerk's Office)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☐ Yes ☒ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|------------------------|
| Name | DONDREA R. FISHER |
| Street Address | 5814 E. 107TH PLACE |
| City and County | KANSAS CITY / JACKSON |
| State and Zip Code | MISSOURI / 64134 |
| Telephone Number | (816) 50-2561 |
| E-mail Address | dfm112222016@gmail.com |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

| | |
|------------------------------|---------------------------------------|
| Name | CITY OF KANSAS CITY, MISSOURI |
| Job or Title (if known) | MAYOR QUINTON LUCAS |
| Street Address | 414 E. 12TH ST., 29TH FLR., CITY HALL |
| City and County | KANSAS CITY / JACKSON |
| State and Zip Code | MISSOURI / 64106 |
| Telephone Number | (816) 513-3500 |
| E-mail Address (if known) | Quinton.Lucas@kcmo.org |

Defendant No. 2

| | |
|----------------------------|--|
| Name | |
| Job or Title (if known) | |
| Street Address | |
| City and County | |

State and Zip Code _____

Telephone Number _____

E-mail Address _____
(if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

| | |
|--------------------|--|
| Name | CITY OF KANSAS CITY, MISSOURI / KC WATER DEPT. |
| Street Address | 414 E. 12TH ST., CITY HALL / 4800 E. 63RD ST. |
| City and County | KANSAS CITY / JACKSON |
| State and Zip Code | MISSOURI--64106 / MISSOURI--64130 |
| Telephone Number | (816) 513-3600 / (816) 513-1313 |

II. Cause of Action

This action is brought for discrimination in employment pursuant to (*check all that apply*):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ **Other federal law (*specify the federal law*):** Genetic Information Nondiscrimination, Retaliation, Harrassment/Hostile Work Environment, Equal Pay Act, Due Process under the Fifth (5th) Amendment.
- ☒ **Missouri Human Rights Act,** Missouri Revised Statute § 213.055
- ☒ **Other state law (*specify, if known*):** Substantive and Procedural Due Process Clause, under the 14th Amendment
- ☒ **Relevant city or county law (*specify, if known*):** Dept. of Human Resources-Rules & Policy Manual(Eff.-8/4/2014); KC Water Attendance Policy(1pg)(Eff.1/1/2018); KC Water Attendance Policy(17gs)(Eff. 8/1/19); KCMO's Attendance Policy/Personnel Alternate Work Schedule(PAWS)(14pgs)(Eff. 2/18/2016).

III. Administrative Procedures

- A. Did you file a charge of discrimination against Defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

☒ Yes Date filed: August 19, 2021 (08/19/2021)
☐ No

***Attach copy of the charge to this Complaint
 (See Attachment-1 (3pgs))***

- B. Have you received a Notice of Right-to-Sue Letter from the Equal Employment Opportunity Commission?

☒ Yes ☐ No

***If yes, please attach a copy of the letter to this Complaint.
 (See Attachment-2 (3pgs))***

- C. Did you file a charge of discrimination against Defendant(s) with the Missouri Commission on Human Rights?

☐ Yes Date filed: I Didn't—EEOC Filed It (08/19/2021)
☒ No

Attach copy of the charge to this Complaint

- D. Have you received a Notice of Right-to-Sue Letter from the Missouri Human Rights Commission?

☐ Yes ☒ No

If yes, please attach a copy of the letter to this Complaint.

CRACKS OF SIGNIFICATION

Case 4:22-cv-00150-GAF Document 1 Filed 03/07/22 Page 5 of 15



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHARGE OF DISCRIMINATION

For Official Use Only -- Charge Number:

EEOC Form 5A (October 2017)

| | |
|--|---|
| Personal Information | First Name: <u>Dondrea</u> MI: <u>R</u> Last Name: <u>Fisher</u> Address: <u>5814 E. 107th Place</u> Apt.: _____ City: <u>Kansas City</u> County: <u>Jackson</u> State: <u>MO</u> Zip Code: <u>64134</u> Phone: <u>(816) 550-2561</u> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell <input checked="" type="checkbox"/> Email: <u>dondreaf@aol.com</u> |
| Who do you think is discriminating against you? | Employer <input checked="" type="checkbox"/> Union <input type="checkbox"/> Employment Agency <input type="checkbox"/> Other Organization <input type="checkbox"/> Organization Name: <u>City of Kansas City, MO / KC Water Dept.--Stormwater Divn.</u> Address: <u>414 E. 12th St. / 4800 E. 63rd St.</u> Suite: _____ City: <u>Kansas City</u> State: <u>MO</u> Zip Code: <u>64106 / 64130</u> Phone: <u>(816) 513-1313</u> |
| Why you think you were discriminated against? | Race <input checked="" type="checkbox"/> Color <input checked="" type="checkbox"/> Religion <input type="checkbox"/> Sex <input checked="" type="checkbox"/> National Origin <input type="checkbox"/> Age <input checked="" type="checkbox"/> Disability <input checked="" type="checkbox"/> Genetic Information <input type="checkbox"/> Retaliation <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> Harassment |
| What happened to you that you think was discriminatory? | Date of <u>most recent job action</u> you think was discriminatory: <u>10/20/2020</u> Also describe briefly <u>each job action</u> you think was discriminatory and when it happened (estimate). <p>My Christian religion says not to worry, so I don't; but, I do believe it's all surrounding and due to my approved Disability (FML illness's status, and the approved FML status that I had for my husband), and that they have Discriminated against my Disability Rights (particularly violating Exceptions for Exempt EE's on page 3 of 17 of the KCW Attendance Policy(17pg), the Sick Leave Donation Policy, the Results of my Request for Reasonable Job Accommodations, my '2018-'2019 Annual Leadership Performance Appraisal (on 11/14/19), Harassment/Sex(Gender)-Financial-Work Productivity, Docking of Work Hrs/Pay, Defamation of Work Character, Denial of Merit Increase-Work Assignments-Training-Promotion/Classification Revision, and Access to equal equipment (same as my peers) to do/complete my daily work assignments, amongst others). In addition, KCW Engineering Staff has been Working From Home/Telecommuting full work duties since March 23, 2020, under the Stay At Home Rule for the City of Kansas City, MO's Essential Workers (KCW Staff are considered Essential Workers) through and up to my Wrongful Termination date of 10/23/2020. They are still at home & have new attendance pol. I have attached initial documents sent to me, attached in the Letters regarding the Predetermination Hearing. The original date for the Hearing was 9/21/2020, but I requested an extension of time to appear, and had received the Rescheduled Date Invite of 10/12/2020, 10:00am. I accepted the invite, after assuring I had legal counsel before appearing. At that point in my career, I didn't believe that I should handle that on my own. Please Note: I have several attachments and more for investigation.</p> |
| Signature and Verification | I understand this charge will be filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address, phone, or email. I will cooperate fully with them in the processing of my charge in accordance with their procedures. I understand by signing below that I am filing a charge of employment discrimination with the EEOC. I understand that the EEOC is required by law to give a copy of the charge, which includes my allegations, to the organization that I am filing against. I also understand that the EEOC can only investigate charges of job discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or based on retaliation for filing a charge of job discrimination, participating in an investigation of a job discrimination complaint, or opposing job discrimination. I declare under penalty of perjury that the above is true and correct. Signature: _____ Date: _____ |



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHARGE OF DISCRIMINATION

EEOC Form 5A (October 2017)

Ing#: 563-2021-02558

For Official Use Only - Charge Number:

| | |
|--|---|
| Personal Information | First Name: <u>Dondrea</u> MI: <u>R</u> Last Name: <u>Fisher</u> Address: <u>5814 E. 107TH PL</u> Apt.: _____ City: <u>Kansas City</u> County: <u>Jackson</u> State: <u>MO</u> Zip Code: <u>64134</u> Phone: <u>(816) 550-2561</u> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell <input checked="" type="checkbox"/> Email: <u>dondrea.fisher@aol.com</u> |
| Who do you think discriminated against you? | Employer <input checked="" type="checkbox"/> Union <input type="checkbox"/> Employment Agency <input type="checkbox"/> Other Organization <input type="checkbox"/> Organization Name: <u>City of Kansas City, MO - KC Water Dept.</u> Address: <u>4800 E. 83RD St./Trfway</u> Suite: _____ City: <u>Kansas City</u> State: <u>MO</u> Zip Code: <u>64130</u> Phone: <u>(816) 513-1313</u> |
| Why you think you were discriminated against? | Race <input checked="" type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input checked="" type="checkbox"/> National Origin <input type="checkbox"/> Age <input checked="" type="checkbox"/> Disability <input checked="" type="checkbox"/> Genetic Information <input type="checkbox"/> Retaliation <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> (specify) <u>Harrasment</u> |
| What happened to you that you think was discriminatory? | Date of most recent job action you think was discriminatory: <u>Fired on 10/23/2020</u> Also describe briefly each job action you think was discriminatory and when it happened (estimate). <u>*(See Orig. Email to Beatriz Norris @ eeo.gov)</u> <u>*(This email was sent in @ 4:53pm)</u> <u>with this section filled in, and signed below.)</u> <u>*(Shud say Fired on 10/23/2020, as said to Beth on phone)</u> |
| Signature and Verification | I understand this charge will be filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address, phone, or email. I will cooperate fully with them in the processing of my charge in accordance with their procedures. I understand by signing below that I am filing a charge of employment discrimination with the EEOC. I understand that the EEOC is required by law to give a copy of the charge, which includes my allegations and my name, to the organization named above. I also understand that the EEOC can only investigate charges of job discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or based on retaliation for filing a charge of job discrimination, participating in an investigation of a job discrimination complaint, or opposing job discrimination. I declare under penalty of perjury that the above is true and correct. Signature: <u>[Signature]</u> Date: <u>8/19/2021</u> |

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Dondrea Fisher**
5814 E 107th Place
Kansas City, MO 64134

From: **Kansas City Area Office**
Gateway Tower II
400 State Avenue, Suite 905
Kansas City, KS 66101



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

563-2021-02558

Beatriz O. Norris,
Investigator Support Asst

(913) 340-8823**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

Enclosures(s)

On behalf of the Commission
Natascha
 Digitally signed by Natascha
 DeGuire
 Date: 2021.12.09 10:55:56
 -06'00'
Natascha DeGuire,
Area Office Director

12/09/2021

(Date Issued)

cc:

Emalea K. Black
City of Kansas City Missouri
414 E. 12th Street
28th Floor, City Hall
Kansas City, MO 64106

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA): The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

“Actual” disability or a “record of” a disability (note: if you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability):

- **The limitations from the impairment no longer have to be severe or significant** for the impairment to be considered substantially limiting.
- In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **“major life activities” now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- **Only one** major life activity need be substantially limited.
- With the exception of ordinary eyeglasses or contact lenses, **the beneficial effects of “mitigating measures”** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- An impairment that is **“episodic”** (e.g., epilepsy, depression, multiple sclerosis) or **“in remission”** (e.g., cancer) is a disability if it **would be substantially limiting when active**.
- An impairment **may be substantially limiting even though** it lasts or is expected to last **fewer than six months**.

“Regarded as” coverage:

- An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).
- “Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively **BOTH** transitory (lasting or expected to last six months or less) **AND** minor.
- A person is not able to bring a failure to accommodate claim *if* the individual is covered only under the “regarded as” definition of “disability.”

Note: *Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability.* For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.

E. If you are claiming **age discrimination**, check one of the following:

☒ 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission.

☐ fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission

IV. Statement of Claim

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☒ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Harassment/Hostile Work Environment
- ☒ Other acts (*specify*): KCMO/KC Water failed to offer me a Due Process Appeal Hearing.

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on the following date(s): Earliest began in '2008 (in KC Water/Waterways-Stormwater Divn.)
Latest was in '2017 thru 06/'2018 thru to 10/23/2020:
(Refer to Attachment-3(1pg))

C. I believe that defendant(s) (*check one*):

- ☒ is/are still committing these acts against me.
- ☐ is/are not still committing these acts against me.

- **09/2019**—Lost FML Eligibility, due to having exhausted my 480 Hrs/year'2019, but both my husband and I still had approved FML illnesses
- **12/05/2019**--The last disciplinary action occurred
- **12/18/2019**—From KC Water HR, Received Appeal Denial of Fails To Meet APLA'2019 Rating & LOR
- **12/2019**—Started applying for a Request for Reasonable Job Accommodations
- **01/01/2020**—Continued working hours to regain my eligibility for FML'2020
- **01/27/2020**—By KCMO/Central HR Failed Rating Re-Appeal Hearing was held
- **02/10-11/20**—I was given an Unauthorized Revised APLA'2019 Rating (?-change my anniversary date)
- **03/05/2020**—I submitted a Request for Reasonable Job Accommodations on 3/5/20
- **03/23/2020**—**We were sent home to work from home on, due to COVID-19**
- **04/27/2020**—By KCMO/Central HR-Labor & Employee Relations, my Appeal Hearing **Results for the Failed Rating'2019 and Special Rating had been overturned with Meets Expectations, application of my Merit Increase, and removal of Special Rating related paperwork**
- **05/05/2020**—By KCMO/Central HR-Labor & Employee Relations (3 Staff members), my Reasonable Job Accommodations meeting was held (very humiliating),
- **06/17/2020**—From Michael Smith in KCMO/Central HR-Labor & Employee Relations emailed me 1 of 2 duplicated/start time Reasonable Job Accommodations Results Letter
- **07/09/2020**—From Kelly Postlewait in KCMO/Central HR-Labor & Employee Relations emailed me 2 of 2 duplicated/start time Reasonable Job Accommodations Results Letter
- **07/2020**—Applied and was approved for FML (having regained my FML eligibility)
- **09/08/2020**—From KC Water HR via email, Received notification of a Predetermination Hearing, with a recommendation of a 40-Hour Suspension (w/o pay), followed directly with Termination
- **09/2020**—I requested an extension of the hearing date to give me time to hire legal representation
- **10/12/2020**—Predetermination Hearing was held for about 20-25 mins (I have 29+ yrs)
- **10/14/2020**—Final decision was deliberated/with no investigations(?), just short of 2 days compared to the allowed 14 days, upholding the Recommendations for a 40-Hour Suspension w/o pay—10/16, 10/19, 10/20, 10/21, 10/22/20, followed directly with Termination—10/23/20.—**"I never got a chance to redeem or correct anything, while working from home".**
- **10/16, 10/19, 20, 21, 22/2022**—**Served 40-Hr Suspension (w/o pay)**
- **10/23/2020**—Submitted Request for Appeals to the 40-Hr Suspension (w/o pay), and the Termination.
- **10/23/2020**—**Terminated**
- **10/31/2020**—Health Insurance was ended for both my husband and I
- **11/13/2020**—Accrued Vacation and Sick Leave were paid out
- **11/25/2020**—After being Fired, per my request to KCMO/Central HR-Labor & Employee Relations, **my Merit Increase (approved on 4/27/2020) was finally paid**
- To Date, my Revised APLA'2019 has not been correctly nor properly revised in my Employee File/HR Central Files
- **01/2022**—KCMO/Central HR-Labor & Employee Relations, received HR Board Appeal Hearing Letter sent via certified USPS mail, scheduled for 2/4/22, 9:30am
- **01/04/2022**—I picked up the certified notification letter from USPS
- **01/2022**—Had to acquire an Attorney, to represent me **causing me additional financial hardships, unfair, and unjust treatment**
- **02/04/2022**—Hearing was Canceled, due to 2 of 3 Hearing Commissioners being sick, therefore no Quorum would be met. My Attorney and I were told the Hearing was Rescheduled to 3/18/22, 9:30am, City Hall
- **02/07-08/2022**—By KCMO/Central HR-Labor & Employee Relations, a letter was emailed to my Attorney Canceling the 3/18/2022 Appeal Hearing, due to the employee being already Retired—**Note:** where is written documentation that if an employee Retires, his/her Appeal Hearing won't be heard? **Is this a waiting tactic, so that the City doesn't have to acknowledge their wrongdoing??**

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

☒

race _____

☒

color _____

☒

gender/sex _____

☐

religion _____

☐

national origin _____

☒

age. My year of birth is 1964. (Give your year of birth only if you are asserting a claim of age discrimination.) disability or perceived

☐

disability (specify disability): Sleep Disorder/Idiopathic Hyper-Somnia +
Extensive Daytime Sleepiness (EDS), Spinal, GERD, Drusens, Hypertension, Stress
Incontinence among the main issues; Muscular Dystrophy: Limb Gird

E. Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Claim-1: I've been discriminated against, as I have been denied my due process for 2 previously Requested Appeals submitted and accepted by the KCMO/Central-HR/Director-Teri Casey on 10/23/2020. One Appeal was for the 40-Hr Suspension (w/o pay) already served on 10/16/2020, 10/19, 20, 21, 22/2020; and, the other one was for Termination, directly thereafter on 10/23/2020, having no opportunity to redeem, correct, or adapt to any new actions. With this, I was recently notified via Certified USPS Mail around the end of Dec.'2021/Jan.'2022 and I picked up and signed for the letter on 1/4/2022 at the local USPS Office at Blue Ridge & Red Bridge Rd. The letter contained an invite scheduling my Appeal Hearings on 2/4/2022, 9:30am, City Hall, 9th Flr. (previously requested over 1.25 yrs ago). Once arrived, it was discovered that the room had been moved to the 12th Flr. and the Appeal Hearing had been Canceled, due to 2 HRB Commissioners being out Sick, thus not having a Quorum, so the Appeal Hearing was rescheduled for 3/18/2022 same time and floor. On the following Monday, 2/7/2022, my Attorney received a letter (electronically) and he shared it with me (electronically) on 2/8/2022—stating that the Mayor Appointed HRB Rescheduled Appeal Hearing was Canceled due to the employee having retired. If COVID-19 was the delay lending leniency of scheduling Appeal Hearings, why wasn't I afforded the same leniency in receiving Due Process and having my case be heard? Preparing for this Canceled-No Appearance Hearing placed a great deal of stress upon me and my husband and a big sum of money to hire an

Claim-2: Having been a 29+ yrs Engineering Professional with the City, I was discriminated against by being abruptly and abrasively Wrongfully Terminated by first being placed on a 40-Hr Suspension (w/o pay) starting on 10/16/2020, 10/19, 20, 21, 22/2020; and, directly thereafter Terminated on 10/23/2020 on the basis of myself and my husband's Disabilities and Genetic Information, my Age, Equal Pay, and Denial of Reasonable Job Accommodations--layered with daily Harassment, Retaliation, in a Hostile Work Environment and Deformation of my Work Character on a regular basis. With events occurring as they did, I Never had a chance to redeem/adapt/correct myself or my actions--All amidst the heart of the COVID-19 Pandemic during the time when Essential Workers (I qualified) were mandated to work from home-remotely, just the same as my peers. As I had lost my FML'2019 Hours (as well as for my Husband), due to having exhausted my Annual 480-Hrs for '2019. It was at this time that Tom Kimes told me I would no longer be protected by FML and would be treated as all other regular employees. With this too, I was never afforded an Accommodation relative to my work schedule--which further deteriorated my "Major Life Activities and Bodily Functions relative to myself and my husband's Actual, Noted and Recorded Disabilities. As it continued, I began being heavily Docked for work completed and accepted, outside of the restricted work schedules. The continuous Docking of Time, the daily Harassment, in the Hostile Work Environment, caused a tremendous amount of Stress, Anxiety, and my Hypertension and Stress Incontinence levels were always elevated, thus decreasing my ability to get restful sleep (and my Husband's Stress, Anxiety, and Hypertension levels were elevated too—as he saw what was going on with me at work on a daily basis. As an Exempt Employee, I was being treated like an Hourly/Non-Exempt, being Docked Time and Pay (being held to a restrictive schedule). In addition, I wasn't allowed to use accrued Vacation Leave vs. Dock Time unless I had more than a Day's notice—this very often created Financial Hardships for taking care of myself, my husband, and my family. My work character and work performance (via my ALPA'2018-'2019 were under constant, daily scrutiny and attack, where as I was scared arriving to work every day for fear of being Fired. After 12/5/2019, I had no further Disciplinary actions up to 10/16/2020. By Ordinance#200233, and the Mayor's Mandate, I was an Essential Worker who worked from home-remotely, until my Wrongful Termination.

Question?: How do you get Fired working from home-remotely, having renewed FML'2020 usage (renewed sometime in the Summer'2020—having worked enough hours to Regain my FML Eligibility), having NO Disciplinary Actions since 12/5/2019?

V. Relief

As relief from the allegations of discrimination as stated above, Plaintiff prays that the court grant the following relief to Plaintiff: (check any and all that apply)

- ☐ Defendant be directed to employ Plaintiff
- ☒ Defendant be directed to re-employ Plaintiff
- ☒ Defendant be directed to promote Plaintiff
- ☒ Defendant be directed to Clear the Employee's Name, Work Character, and Employee File
- ☒ Monetary damages (please explain): Cost of Medical, Vision, Dental Ins; All Attorney Fees
- ☒ As additional relief to make Plaintiff whole, Plaintiff seeks (please specify and explain):

- 1) Review, Correct and Payback Time Worked, but Not Paid For
- 2) Make me whole by Revising my Retirement to 70%, for the past and future (inclgd. the new Pay Scale coming out on 5/1/2022).
- 3) To have the choice to participate in the most Recent 2021 Retirement Package

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: March 4, 2022

Signature of Plaintiff



Printed Name of Plaintiff

DONDREA R. FISHER